



Reprinted  
February 25, 2015

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## HOUSE BILL No. 1639

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DIGEST OF HB 1639 (Updated February 24, 2015 2:27 pm - DI 116)

**Citations Affected:** IC 20-18; IC 20-31; IC 20-32; IC 20-33; IC 20-51; noncode.

**Synopsis:** Various education matters. Requires the department of education (department), with the approval of the state board of education (state board) to establish: (1) formulas and other parameters; and (2) procedures; to be used by the department to determine whether the department shall investigate irregularities in the test results of a school's ISTEP program or a successor statewide assessment. Adds a definition of "student achievement information". Provides that the department shall provide access to a student's achievement information to the: student's parent, or if the student is emancipated, the emancipated student; and (2) each school corporation that provides instruction to the student. Requires that the state board, in consultation with the department, shall define "low population schools" and shall determine the criteria for placing low population schools in school performance categories. Provides that the state board's definition and criteria may include placing a school that fits the state board's definition in a "null" or "no letter grade" category. Provides that, for purposes of the choice scholarship program, additional requirements for eligibility or consequences may not be placed on an eligible school placed in a "null" or "no letter grade" category. Urges the legislative council to assign to the education study committee the issue of whether the department should develop a program using parent and student evaluations of certificated employees to: (1) increase parent involvement; and (2) improve the performance of certificated employees.

**Effective:** July 1, 2015.

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## Behning

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January 22, 2015, read first time and referred to Committee on Education.  
February 19, 2015, amended, reported — Do Pass.  
February 24, 2015, read second time, amended, ordered engrossed.

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HB 1639—LS 7095/DI 116





Reprinted  
February 25, 2015

First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## HOUSE BILL No. 1639

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A BILL FOR AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1       SECTION 1. IC 20-18-2-16, AS AMENDED BY P.L.190-2013,  
2       SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2015]: Sec. 16. (a) "School corporation", for purposes of this  
4       title (except IC 20-20-33, IC 20-26-1 through IC 20-26-5, IC 20-26-7,  
5       IC 20-28-11.5, IC 20-30-8, **IC 20-33-7.5**, and IC 20-43), means a  
6       public school corporation established by Indiana law. The term  
7       includes a:  
8               (1) school city;  
9               (2) school town;  
10              (3) school township;  
11              (4) consolidated school corporation;  
12              (5) metropolitan school district;  
13              (6) township school corporation;  
14              (7) county school corporation;  
15              (8) united school corporation; or

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(9) community school corporation.

(b) "School corporation", for purposes of IC 20-26-1 through IC 20-26-5 and IC 20-26-7, has the meaning set forth in IC 20-26-2-4.

(c) "School corporation", for purposes of IC 20-20-33, IC 20-26-18, and IC 20-30-8, includes a charter school (as defined in IC 20-24-1-4).

(d) "School corporation", for purposes of IC 20-43, has the meaning set forth in IC 20-43-1-23.

(e) "School corporation", for purposes of IC 20-28-11.5, has the meaning set forth in IC 20-28-11.5-3.

**(f) "School corporation", for purposes of IC 20-33-7.5, has the meaning set forth in IC 20-33-7.5-3.**

SECTION 2. IC 20-31-8-3, AS AMENDED BY P.L.286-2013, SECTION 103, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) The state board shall establish a number of categories, using an "A" through "F" grading scale, to designate performance based on the individual student academic performance and growth to proficiency in each school.

**(b) The state board, in consultation with the department, shall define "low population schools" and shall determine the criteria for placing low population schools in categories established under subsection (a). In setting the definition and criteria for low population schools, the state board shall not penalize schools based on population. The state board's definition and criteria may include the placement of a school that fits the state board's definition in a "null" or "no letter grade" category.**

SECTION 3. IC 20-32-10 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

#### **Chapter 10. Statewide Assessment Results Analysis**

**Sec. 1. As used in this chapter, "electronic response analysis" refers to, for purposes of a student taking an assessment through an electronic medium, an analysis measuring the frequency that a student changes the student's response from an incorrect response to a correct response, or other student-response related irregularities associated with taking an assessment through an electronic medium.**

**Sec. 2. As used in this chapter, "erasure analysis" refers to the residual marks left on the answer document after a response has been erased that are analyzed using a computer program designed expressly for such a purpose.**

**Sec. 3. As used in this chapter, "standard deviation" refers to a measure of variability that is an indication of how widely spread a**



set of numbers is relative to the mean of those numbers.

Sec. 4. (a) Before January 1, 2016, the department shall establish, with the approval of the state board:

(1) formulas and other parameters; and

(2) procedures;

to be used by the department to determine whether the department shall investigate irregularities in the test results of a school's ISTEP program or a successor statewide assessment.

(b) The requirements established by the department under subsection (a) must, at a minimum, require the department to investigate irregularities in the test results of the ISTEP program or a successor statewide assessment of a school or, if prescribed by the state board, a particular administrative group or grade within a school if the department finds at least one (1) of the following:

(1) The change in a school's average score from a particular school year to the succeeding school year is more than four (4) school standard deviations higher than the change in the average score in Indiana.

(2) Upon completion of an erasure analysis or electronic response analysis, the number of wrong-to-right answer changes in an administrative group or grade is greater than four (4) group or grade standard deviations higher than the average number of wrong-to-right answer changes in Indiana.

Sec. 5. (a) Beginning with the 2015-2016 school year, the department shall review each school's ISTEP program or successor statewide assessment results for irregularities as described under section 4 of this chapter. If upon review of a particular school's ISTEP program or successor statewide assessment results, the department determines that the number of irregularities found meets the requirements for investigation of the assessment results, the department shall investigate the school's ISTEP program or successor statewide assessment results.

(b) If the department investigates a school's ISTEP program or successor statewide assessment results under subsection (a), the investigation must be completed not later than July 1 of the year after the year in which the assessment was administered.

SECTION 4. IC 20-33-7.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

**Chapter 7.5. Access to Student Achievement Records**

**Sec. 1.** This chapter applies after June 30, 2016.

**Sec. 2.** As used in this chapter, "authorized user" means a



teacher or other person who is:

- (1) employed by a school corporation; and
- (2) authorized to access data in a student achievement record.

Sec. 3. As used in this chapter, "school corporation" includes a public school corporation, a charter school, the Indiana School for the Blind and Visually Impaired, and the Indiana School for the Deaf.

Sec. 4. As used in this chapter, "student achievement information" means a complete profile of learning for a student that is included in the ISTEP program that:

- (1) is in an electronic format;
- (2) contains student results from each ISTEP program assessment in which the student participates; and
- (3) is accessible by the student's parent, or if the student is emancipated, by the emancipated student or an authorized user.

Sec. 5. (a) The department shall provide access to a student's achievement information to the following:

- (1) The student's parent, or if the student is emancipated, the emancipated student.
- (2) Each school corporation that provides instruction to the student.

(b) The department shall ensure that the student's achievement information:

- (1) facilitates a student's parent's ability to take an active role in the student's education by simplifying access to the student's achievement information;
- (2) provides a uniform, transparent reporting mechanism for individual student progress;
- (3) provides a teacher with student achievement information to better inform instruction and individualize education; and
- (4) assists a teacher or an administrator in ascertaining a student's learning needs.

(c) The department, or any other entity, may not release, sell, or otherwise transfer student achievement information in a manner that is not consistent with the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g), and other relevant privacy laws and policies.

Sec. 6. A student's parent, or if the student is emancipated, the emancipated student may request the student's achievement record from the school corporation or school in which the student is enrolled if the parent or emancipated student does not have access



1 to the information in an electronic format.

2 **Sec. 7. The state board shall adopt rules under IC 4-22-2 to**  
 3 **carry out this chapter.**

4 SECTION 5. IC 20-51-4-7, AS AMENDED BY P.L.211-2013,  
 5 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2015]: Sec. 7. (a) The department shall administer this  
 7 chapter.

8 (b) The department shall approve an application for an eligible  
 9 school within fifteen (15) days after the date the school requests to  
 10 participate in the choice scholarship program.

11 (c) The department shall approve an application for a choice  
 12 scholarship student within fifteen (15) days after the date the student  
 13 requests to participate in the choice scholarship program.

14 (d) Each year, at a minimum, the department shall accept  
 15 applications from March 1 through September 1 for:

16 (1) choice scholarship students; or

17 (2) eligible schools;

18 for the upcoming school year.

19 **(e) This chapter may not be construed in a manner that would**  
 20 **impose additional requirements for approving an application for**  
 21 **an eligible school placed in a "null" or "no letter grade" category**  
 22 **established under IC 20-31-8-3(b).**

23 ~~(e)~~ (f) The department shall adopt rules under IC 4-22-2 to  
 24 implement this chapter.

25 ~~(f)~~ (g) The department may adopt emergency rules under  
 26 IC 4-22-2-37.1 to implement this chapter.

27 SECTION 6. IC 20-51-4-9, AS ADDED BY P.L.92-2011,  
 28 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2015]: Sec. 9. (a) The department shall enforce the following  
 30 consequences for an eligible school that is nonpublic:

31 (1) If the school is placed in either of the lowest two (2)  
 32 categories or designations under IC 20-31-8-3 for two (2)  
 33 consecutive years, the department shall suspend choice  
 34 scholarship payments for one (1) year for new students who  
 35 would otherwise use a choice scholarship to attend the school.

36 (2) If the school is placed in either of the lowest two (2)  
 37 categories or designations under IC 20-31-8-3 for three (3)  
 38 consecutive years, the department shall suspend choice  
 39 scholarship payments for new students who would otherwise use  
 40 a choice scholarship to attend the school until the school is placed  
 41 in the middle category or higher category or designation, for two

42 (2) consecutive years.



(3) If the school is placed in the lowest category or designation under IC 20-31-8-3 for three (3) consecutive years, the department shall suspend choice scholarship payments for new students who would otherwise use a choice scholarship to attend the school until the school is placed in the middle category or higher category or designation, for three (3) consecutive years.

(4) Students who:

(A) are currently enrolled at a school described in subdivision (1), (2), or (3); and

(B) qualify for a choice scholarship for the upcoming school year;

may continue to receive a choice scholarship at the school.

(b) This section may not be construed to prevent a student enrolled in a school subject to this section from applying for a choice scholarship in the future at another participating school.

**(c) This chapter may not be construed to impose consequences on a school placed in a "null" or "no letter grade" category established under IC 20-31-8-3(b).**

SECTION 7. [EFFECTIVE JULY 1, 2015] (a) The definitions used in IC 20 apply throughout this SECTION.

(b) As used in this SECTION, "committee" refers to the education study committee established by IC 2-5-1.3-4.

(c) The general assembly urges the legislative council to assign to the committee the task of studying whether the department should develop a program using parent and student evaluations of certificated employees to:

(1) increase parent involvement; and

(2) improve the performance of certificated employees.

(d) The committee shall issue to the legislative council a final report containing the committee's findings and recommendations, including any recommended legislation concerning the topic, in an electronic format under IC 5-14-6 not later than November 1, 2015.

(e) This SECTION expires January 1, 2016.





## COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1639, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 12 through 42, begin a new paragraph and insert:

"SECTION 2. IC 20-31-8-3, AS AMENDED BY P.L.286-2013, SECTION 103, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) The state board shall establish a number of categories, using an "A" through "F" grading scale, to designate performance based on the individual student academic performance and growth to proficiency in each school.

**(b) The state board shall define "low population schools" and shall determine the criteria for placing low population schools in categories established under subsection (a). In setting the definition and criteria for low population schools, the state board shall not penalize schools based on population. The state board's definition and criteria may include the placement of a school that fits the state board's definition in a "null" or "no letter grade" category."**

Delete page 3.

Page 4, delete lines 1 through 23.

Page 4, line 27, delete "Transparency" and insert **"Results Analysis"**.

Page 4, line 32, after "other" insert **"student-response related"**.

Page 4, delete lines 41 through 42, begin a new paragraph and insert:

**"Sec. 4. (a) Before January 1, 2016, the department shall establish, with the approval of the state board:**

- (1) formulas and other parameters; and**
- (2) procedures;**

**to be used by the department to determine whether the department shall investigate irregularities in the test results of a school's ISTEP program or a successor statewide assessment.**

**(b) The requirements established by the department under subsection (a) must, at a minimum, require the department to investigate irregularities in the test results of the ISTEP program or a successor statewide assessment of a school or, if prescribed by the state board, a particular grade within a school if the department finds all the following:**

- (1) At least three (3) irregularities in the standard deviation of the test results of the school or the particular grade within**



the school.

(2) Upon completion of an erasure analysis or electronic response analysis, at least three (3) irregularities in the test results of the school or the particular grade within the school."

Page 5, delete lines 1 through 23.

Page 5, line 35, after "year" insert "after the year".

Page 5, delete lines 37 through 42, begin a new paragraph and insert:

"SECTION 5. IC 20-33-7.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

**Chapter 7.5. Access to Student Achievement Records**

**Sec. 1. This chapter applies after June 30, 2016.**

**Sec. 2. As used in this chapter, "authorized user" means a teacher or other person who is:**

- (1) employed by a school corporation; and
- (2) authorized to access data in a student achievement record.

**Sec. 3. As used in this chapter, "school corporation" includes a public school corporation, a charter school, the Indiana School for the Blind and Visually Impaired, and the Indiana School for the Deaf.**

**Sec. 4. As used in this chapter, "student achievement information" means a complete profile of learning for a student that is included in the ISTEP program that:**

- (1) is in an electronic format;
- (2) contains student results from each ISTEP program assessment in which the student participates; and
- (3) is accessible by the student's parent, or if the student is emancipated, by the emancipated student or an authorized user.

**Sec. 5. (a) The department shall provide access to a student's achievement information to the following:**

- (1) The student's parent, or if the student is emancipated, the emancipated student.
- (2) Each school corporation that provides instruction to the student.

**(b) The department shall ensure that the student's achievement information:**

- (1) facilitates a student's parent's ability to take an active role in the student's education by simplifying access to the student's achievement information;



- (2) provides a uniform, transparent reporting mechanism for individual student progress;**
- (3) provides a teacher with student achievement information to better inform instruction and individualize education; and**
- (4) assists a teacher or an administrator in ascertaining a student's learning needs.**

**Sec. 6. A student's parent, or if the student is emancipated, the emancipated student may request the student's achievement record from the school corporation or school in which the student is enrolled if the parent or emancipated student does not have access to the information in an electronic format.**

**Sec. 7. The state board shall adopt rules under IC 4-22-2 to carry out this chapter.**

SECTION 8. IC 20-51-4-7, AS AMENDED BY P.L.211-2013, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) The department shall administer this chapter.

(b) The department shall approve an application for an eligible school within fifteen (15) days after the date the school requests to participate in the choice scholarship program.

(c) The department shall approve an application for a choice scholarship student within fifteen (15) days after the date the student requests to participate in the choice scholarship program.

(d) Each year, at a minimum, the department shall accept applications from March 1 through September 1 for:

- (1) choice scholarship students; or
- (2) eligible schools;

for the upcoming school year.

**(e) This chapter may not be construed in a manner that would impose additional requirements for approving an application for an eligible school placed in a "null" or "no letter grade" category established under IC 20-31-8-3(b).**

~~(e)~~ **(f)** The department shall adopt rules under IC 4-22-2 to implement this chapter.

~~(f)~~ **(g)** The department may adopt emergency rules under IC 4-22-2-37.1 to implement this chapter.

SECTION 9. IC 20-51-4-9, AS ADDED BY P.L.92-2011, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) The department shall enforce the following consequences for an eligible school that is nonpublic:

- (1) If the school is placed in either of the lowest two (2) categories or designations under IC 20-31-8-3 for two (2)



consecutive years, the department shall suspend choice scholarship payments for one (1) year for new students who would otherwise use a choice scholarship to attend the school.

(2) If the school is placed in either of the lowest two (2) categories or designations under IC 20-31-8-3 for three (3) consecutive years, the department shall suspend choice scholarship payments for new students who would otherwise use a choice scholarship to attend the school until the school is placed in the middle category or higher category or designation, for two (2) consecutive years.

(3) If the school is placed in the lowest category or designation under IC 20-31-8-3 for three (3) consecutive years, the department shall suspend choice scholarship payments for new students who would otherwise use a choice scholarship to attend the school until the school is placed in the middle category or higher category or designation, for three (3) consecutive years.

(4) Students who:

(A) are currently enrolled at a school described in subdivision (1), (2), or (3); and

(B) qualify for a choice scholarship for the upcoming school year;

may continue to receive a choice scholarship at the school.

(b) This section may not be construed to prevent a student enrolled in a school subject to this section from applying for a choice scholarship in the future at another participating school.

**(c) This chapter may not be construed to impose consequences on a school placed in a "null" or "no letter grade" category established under IC 20-31-8-3(b).**

**SECTION 10. [EFFECTIVE JULY 1, 2015] (a) The definitions used in IC 20 apply throughout this SECTION.**

**(b) As used in this SECTION, "committee" refers to the education study committee established by IC 2-5-1.3-4.**

**(c) The general assembly urges the legislative council to assign to the committee the task of studying whether the department should develop a program using parent and student evaluations of certificated employees to:**

**(1) increase parent involvement; and**

**(2) improve the performance of certificated employees.**

**(d) The committee shall issue to the legislative council a final report containing the committee's findings and recommendations, including any recommended legislation concerning the topic, in an electronic format under IC 5-14-6 not later than November 1, 2015.**



**(e) This SECTION expires January 1, 2016."**

Delete pages 6 through 7.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1639 as introduced.)

BEHNING

Committee Vote: yeas 10, nays 0.

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### HOUSE MOTION

Mr. Speaker: I move that House Bill 1639 be amended to read as follows:

Page 3, delete lines 8 through 19, begin a new paragraph and insert:

**"(b) The requirements established by the department under subsection (a) must, at a minimum, require the department to investigate irregularities in the test results of the ISTEP program or a successor statewide assessment of a school or, if prescribed by the state board, a particular administrative group or grade within a school if the department finds at least one (1) of the following:**

**(1) The change in a school's average score from a particular school year to the succeeding school year is more than four (4) school standard deviations higher than the change in the average score in Indiana.**

**(2) Upon completion of an erasure analysis or electronic response analysis, the number of wrong-to-right answer changes in an administrative group or grade is greater than four (4) group or grade standard deviations higher than the average number of wrong-to-right answer changes in Indiana."**

Page 3, line 22, delete "in the".

Page 3, line 23, delete "rules adopted".

Page 4, between lines 29 and 30, begin a new paragraph and insert:

**"(c) The department, or any other entity, may not release, sell, or otherwise transfer student achievement information in a manner that is not consistent with the federal Family Educational**



**Rights and Privacy Act (20 U.S.C. 1232g), and other relevant privacy laws and policies."**

(Reference is to HB 1639 as printed February 20, 2015.)

BEHNING

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1639 be amended to read as follows:

Page 2, line 18, after "board" insert ", **in consultation with the department,**".

(Reference is to HB 1639 as printed February 20, 2015.)

SMITH V

